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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,772	04/10/2000	Tracy D. Wilkins	420522000100	3347

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EXAMINER

FORD, VANESSA L

ART UNIT	PAPER NUMBER
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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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20050517

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Commissioner for Patents

The reply brief filed March 3, 2005 is noted. This application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

To address Appellant's comments regarding a statement made during the telephonic interview held June 24, 2003, "that the polysaccharide is not conjugated to the carrier protein" it is the Examiner's position that this statement was made during the telephonic interview held June 24, 2003. Applicant stated in the remarks in response to the interview summary (6/23/2003) filed December 11, 2003 that "Applicant's representative stated that the claims as then drawn were not limited to a conjugated protein and a polysaccharide". It should be noted in Appellant's amendment submitted to the Office on December 11, 2003, the claims were amended to recite an immunogenic composition for eliciting an immune response to a pathogenic organism which composition comprises a recombinant protein conjugated to a polysaccharide component. With the submission of that amendment Applicant changed the scope of the claims and now the claims require that the recombinant protein and the polysaccharide components are conjugated to one another which involves different steps than just mixing the two components together.

To address Appellant's comment's regarding the Appellant's arguments made in the Appeal Brief were not addressed by the Examiner, specifically that there was no motivation to select a species in the reference and combine such species to arrive at the claimed invention, it is the Examiner's position that all arguments raised by the Appellant in the Appeal Brief were adequately addressed. See pages 16-26, paragraph 11 of the Examiner's Answer. The response to Appellant's arguments regarding each rejection, specifically points to motivation or suggestion in the prior art to combined the references used in the art rejections set forth under 35 U.S.C. 103(a). Therefore, a prima facie case of obviousness has been established in each rejection made under 35 U.S.C. 103(a).

LP
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5/17/05

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